

AUG 17 2005

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FACSIMILE COVER SHEET

REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER NO. 2665

Deliver to: Toan D. Nguyen, USPTO

Art Group: 2665

Facsimile No.: 1-571-273-8300

Date: August 16, 2005

From: Gregory D. Caldwell, Reg. No. 39,926

Our Docket No.: 42390P10679

Number of pages 20 including this sheet.

Application No.: 09/823,459

Filing Date: 3/30/2001

Docket Due Date(s): 8/16/2005

Enclosed are the following documents:

- ☒ Amendment: After Final (16 pgs)
- ☐ Appeal Brief (_____ pgs)
- ☐ Application: _____
(_____ pgs) w/cover & abstract
- ☐ Assignment & Cover Sheet (_____ pgs)
- ☒ Certificate of Facsimile
- ☐ Continued Prosecution Application (CPA)
- ☐ Declaration & POA (_____ pgs)
- ☐ Drawings: _____ sheets, _____ figures
- ☐ Extension of Time: _____
- ☒ Fee Transmittal (in duplicate)
- ☐ IDS & PTO/SB/08 (_____ pgs)
- ☒ Other REPLY UNDER 37 CFR 1.116 - Expedited Procedure - Technology Center No. 2665
- ☐ Issue Fee Transmittal
- ☐ Notice of Appeal
- ☐ Petition for: _____
- ☐ Request for Continued Examination (RCE)
- ☐ Reply Brief (_____ pgs)
- ☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)
- ☐ Request to Rescind Previous Nonpublication Request
- ☐ Response to Notice of Missing Parts & Formalities Letter
- ☐ Response to Written Opinion (_____ pgs)
- ☐ Terminal Disclaimer
- ☐ Transmittal of Publication Fee Due
- ☒ Transmittal Letter

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Rachael E. Brown

8/17/2005

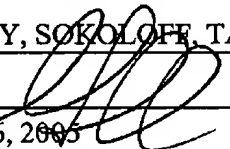
Date _____

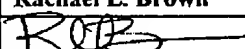
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/823,459
		Filing Date	March 30, 2001
		First Named Inventor	Steve Adams
		Art Unit	2665
		Examiner Name	Toan D. Nguyen
Total Number of Pages in This Submission	20	Attorney Docket Number	42390P10679

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) Remarks	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Fax Cover Sheet</div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gregory D. Caldwell, Reg. No. 39,926 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	August 16, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Rachael L. Brown		
Signature		Date	August 17, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 08/04/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number 09/823,459
Filing Date March 30, 2001
First Named Inventor Steve Adams
Examiner Name Toan D. Nguyen
Art Unit 2665
Attorney Docket No. 42390p10679

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): _____
☐ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
33 - 37 =	0	50.00	\$0.00
Independent Claims 11 - 12 =	0	200.00	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1202	2202	50	25	Claims in excess of 20
1201	2201	200	100	Independent claims in excess of 3
1203	2203	360	180	Multiple Dependent claim, if not paid
1204	2204	300	150	**Reissue independent claims over original patent
1205	2205	300	150	**Reissue claims in excess of 20 and over original patent

*or number previously paid, if greater, For Reissues, see below

SUBTOTAL (1) (\$) 0.00

2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1051	2051	130	65	Surcharge - late filing fee or oath
1052	2052	60	25	Surcharge - late provisional filing fee or cover sheet
2053	2053	130	130	Non-English specification
1251	2251	120	60	Extension for reply within first month
1252	2252	450	225	Extension for reply within second month
1253	2253	1,020	510	Extension for reply within third month
1254	2254	1,580	795	Extension for reply within fourth month
1255	2255	2,160	1,080	Extension for reply within fifth month
1401	2401	500	250	Notice of Appeal
1402	2402	500	250	Filing a brief in support of an appeal
1403	2403	1,000	500	Request for oral hearing
1451	2451	1,510	1,510	Petition to institute a public use proceeding
1460	2460	130	130	Petitions to the Commissioner
1807	1807	50	50	Processing fee under 37 CFR 1.17(a)
1806	1806	180	180	Submission of Information Disclosure Stmt
1809	1809	790	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	790	395	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2)

(\$)

SUBMITTED BY

Name (Print/Type) Gregory D. Caldwell

Signature

Registration No. (Attorney/Agent)

39,926

Telephone

(503) 439-8778

Date

08/16/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL
for FY 2005**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	09/823,459
Filing Date	March 30, 2001
First Named Inventor	Steve Adams
Examiner Name	Toan D. Nguyen
Art Unit	2665
Attorney Docket No.	42390p10679

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

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☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION**1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
33 - 37 =	0	50.00	\$0.00
Independent Claims	11 - 12 =	0	\$0.00
Multiple Dependent			

Large Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	380	2203	180	Multiple Dependent claim, if not paid
1204	300	2204	150	**Reissue independent claims over original patent
1205	300	2205	150	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$) 0.00

**or number previously paid, if greater, For Reissues, see below

2. ADDITIONAL FEES**Large Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
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1451	1,510	2451	1,510	Petition to institute a public use proceeding
1460	130	2460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2)

Fee Paid

(\$)

SUBMITTED BY

Name (Print/Type) Gregory D. Caldwell

Signature

Registration No.
(Attorney/Agent)

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Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

AUG 17 2005**PATENT****Reply Under 37 CFR 1.116 – Expedited Procedure****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/823,459
Applicant : Adams et al.
Filed : March 30, 2001
TC/A.U. : 2665
Examiner : Toan D. Nguyen

Docket No. : 42390.P10679
Customer No. : 08791

Confirmation No. 5720

**Reply Under 37 CFR 1.116
Expedited Procedure
Technology Center No. 2665**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

*Via Facsimile: 1-571-273-8300***RESPONSE****SIR:**

In response to the final Office Action mailed on June 8, 2005, with the three-month shortened statutory period for response set to expire on September 8, 2005, kindly amend the Application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.